

Amendment and Response Under 37 C.F.R. §1.116 - Expedited Examining Procedure

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Applicant(s): HANSON et al.

Serial No.: 09/814,252

Confirm. No.: 6198

Filed: 21 March 2001

For: PRIMERS FOR USE IN DETECTING BETA-LACTAMASES

Remarks

The final Office Action mailed 02 October 2003 has been received and reviewed. Claims 17, 38, and 56 having been amended, and claims 1-2, 4-5, 7-10, 18-21, 24-27, 30-37, and 49-55 having been canceled, the pending claims are claims 11, 17, 38, 56, and 57. Reconsideration and withdrawal of the rejections are respectfully requested.

Allowed Claims

Applicants thank the Examiner for indicating that claims 11 and 57 are allowable.

Restriction Requirement

Although Applicants do not agree with the Restriction Requirement, all claims to primers, methods, or kits that do not include reference to the PSE1, PSE4, CARB3 beta-lactamase enzymes have been canceled. Applicants have also amended method claims 17 and 38 to be specific to such enzymes. Thus, reconsideration and withdrawal of the restriction with respect to these two method claims is respectfully requested. Because the kit claims with analogous language have been examined, it is respectfully submitted that this should not involve an undue burden.

The 35 U.S.C. §103 Rejection

The Examiner rejected claim 56 under 35 U.S.C. §103 as being unpatentable over Sandvang et al. (FEMS Microbiology Letters, 157:177-181, 1997) in view of Fluit et al. (WO 91/08305). Claim 56 was also rejected under 35 U.S.C. 103(a) as being unpatentable over Arlet et al. (FEMS Microbiology Letter, 82:19-26, 1991) in view of Fluit et al. (WO 91/08305). These rejections are respectfully traversed.

Claim 56 has been amended to clarify that the kit is for detecting a PSE1, PSE4, or CARB3 family beta-lactamase within Gram Negative organisms using a primer pair

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characteristic of the PSE1, PSE4, and CARB3 families of beta-lactamase enzymes, wherein each primer includes 15-35 nucleotides. This is supported by the specification at page 1, line 12, page 7, lines 10-11, and page 13, lines 25-29. None of the cited art teaches or suggests the use of primers of 15-35 nucleotides pairs (as opposed to probes of much larger size as disclosed by Arlet) that are characteristic of the PSE1, PSE4, and CARB3 families of beta-lactamase enzymes.

Summary

It is respectfully submitted that the pending claims 11, 17, 38, 56, and 57 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
HANSON et al.

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27th day of January, 2004, at 4:00pm (Central Time).

By:

Printed Name: Beth J. McNulty